

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

TROY YEARBY	:	
	:	
Petitioner,	:	
v.	:	
	:	No. 3:01-cr-2 (CAR)
UNITED STATES OF AMERICA	:	
	:	
Defendant.	:	
_____	:	

**ORDER ON RECOMMENDATION**

Before the Court is the United States Magistrate Judge's Report and Recommendation to dismiss Defendant Troy Yearby's December 20, 2007<sup>1</sup> [Doc. 504] and to deny Petitioner's November 11, 2010 Motion for Court to Take Judicial Notice [Doc. 541]. No Objection was filed, and having considered the matter, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation of the United States Magistrate Judge is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner's December 20, 2007 Motion is

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<sup>1</sup> The Motion was styled, "Defendant's Pro Se, Nunc Pro Tunc Rule 60(b)(4) Motion to Reopen His Case From Final Judgment, In Which He Seeks Relief Pursuant to Gonzalez v. Crosby, 125 S.Ct. 2641 (2005), to Void and Dismiss the Indictment Due to the Procedural Jurisdictional and Structural Error Defects in the Court Proceedings, All in Violation of 18 U.S.C. §§ 3161(b) and (c)(1), and 18 U.S.C. § 3282 Fed. R. of Crim. P. (2001 ed.)."

**DISMISSED**, to the extent that it is construed as a Rule 60(b) motion for relief from judgment [Doc. 504], and Petitioner's November 11, 2010 Motion for Court to Take Judicial Notice [Doc. 541] is **DENIED**, to the extent that it asks the Court to grant Petitioner's December 20, 2007 Motion.

**SO ORDERED**, this 9<sup>th</sup> day of November, 2011.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

LMH